THE DISPENSARY LAW.

JUDGE WALLACE DECLARES IT TO BE CONSTITUTIONAL.

The Auderson L'quor Case [Made the Oc caston of a S riking Judicial Deliverance-Technical Objections to the Phraseology of the Act Dismissed.

ANDERSON, Nov. 8 -In the ease of the State vs John O. O'Donnell, indicted for selling whiskey without a liday, Judge Wallace rendered orally the following decision, on motion of the defendant's counsel to quash the in-

The question as to the constitutionality of the Dispensary Act has been much discussed in the State, and has developed considerable diversity of opinion in regard to it. Some able and learned lawyers hold one opinion and others equally as learned hold a differ ent opinion. I have my own opinion, which I will proceed to announce without hesitation or delay. The motion was to quash the indictment, because first the Act provided no punishment for selling liquor without a license. I may say in passing that the words "without a license" contained in the first count, are mere surplusing, and that the offence charged is that of sell-

At common law crimes are divided into two classes, namely, mala in se and prohibita. To illustrate: We have a statute declaring murder to be a crime or rape or arson or burglary. These crimes are described and punishment is provided for them. They belong to the class described as mala in se. When the commission of an act is prohibited by statute it belongs to the class of mala prohibita. The commission of an act prohibited by statute is an offence, because it is a violation of law. The offence charged is prohibited by the Dispensary Act and thus to sell li-quor becomes a violation of the law and is therefore an offence.

ing liquor.

No offence created by statute is a felute, Section 2,653, Revised Statutes: "Section 2,653. In cases of legal con-

viction where no punishment is provifence and not repugnant to the Con-

so hold, that the offence as charged is punishable under the section I have just quoted.

The next ground was that Section 21 the members. The section referred to reads as follows: "Section 21. Every power of the General Assembly to pass person who shall directly or indirectly the Act. keep or maintain by himself, or by asabet in keeping or maintaining any as a beverage or distribution or divisthereof be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail not less than ninety days, nor more than one year." It is clear that this section does associations, but includes the receiving and selling of liquor in any "other

The third and last ground, and the main ground is that the Dispensary unconstitutional, and the argument under this branch is concerned chiefly with the purpose of the Act and the question as to the police power of the State.

Feberal Constitution and the State Constitution. They are essentially different in their nature. The Constitution of the United States confers upon Congress certain well defined powers, and such other powers only as are necessarily implied from such grant, and when an issue arises as to the unconstitutionality of an Act of Congress the question is, "has the power to legislate on the subject matter of the Act been granted to Congress by the Federal Constitution?" On the other hand the Constitution of South Carolina be- ured a load of slugs into his stomach Hmitations; and therefore, upon an is- was burned last summer by incendi an Act of the General Assembly of the State the question is "has the power to legislate upon the subject matter of this Act been withheld by the State Constitution.

On this point I have here an excellent authority which I shall read; "The people of a State in creating by their organic law a legislative department, of government, confer upon it the whole of their inherently sovereign and uncontrolled power of legislation, except in so far as they have delegated this power in respect to certain subjects and under certain restrictions to the Congress of the United States, and except also in so far as they contemporaneously impose checks and limits upon the legislative authority. Hence the Legislature of a State may enact any law, (not infringing upon the other departments) of any character or on any subject unless it is prohibited either in express terms or by necessary implication in the Constitution of the United States or of that State. In other words the constitutions are to be considered as limitation upon the legislative power of the State, not as grants of power (3d Am and Eng En-

cyclopedia of Law, 689.) In note 2 to the above quotation occurs the following: "The distinction between the United States Constitution and the State Constitution is that the lative powers. In the one case the the other day.

powers specially granted can only be exercised, in the other all legislative powers not prescribed." Citing People vs Flagg, 46 N. Y., 401; Page vs Allen, 58 Pa. St., 338

THE HAMPTON LETTER.

Applying the doctrine just quoted, which must be recognized as sound doctrine, the unconstitutionality of the Dispensary Act must be made to appear from some limitation contained in our State Constitution itself upon the power of the General Assembly to

enact such a law.
No such limitation has been pointed out to me nor am I aware of any such limitation, either express or implied. Even if the power of the General As cense and keeping a place where whis. Even if the power of the General As key is kept for sale, etc., which was called in the Court of Sessions Wednes- could be derived only from its police power there can be no question that under that power it would have ample authority to restrict the sale or traffic in liquor. The State has frequently lone so in the past by statutes intended to regulate and restrict the tariff in liquor without question as to its right and authority so to do.

This Act declares in its title that such is its purpose "An Act to prohibit the manufacture and sale," etc. "except as herein provided," and its provisions undertake to accomplish that very thing by numerous limitations such as restricting the places at which liquor is to be sold, the hour at which it is to be osld, the persons to whom it shall be unlawful to sell liquor, the character of the person by whom it is to be sold, the not selling on credit the prohibition as to drinking on the pre-mises, the limiting the amount to be sold to purchasers, the written application signed by each purchaser and other restrictions that need not be mentioned

It appears upon the face of the Dispensary Act as it stands upon the statute book that the purpose and primary liquor and to decrease the evils which are believed to result from the liquor traffic for the public good, and I feel bound to say from my own observation that the Act seems to be accomplishing that beneficent object. On this ground as it appears to me, it is without doubt a proper exercise of the police power of the State. It has been learnedly areony unless it is so declared. Therefore the selling of liquor in violation of Section 6 of the Dispensary Act is a misdemeanor and is punishable, if not the main purpose of the Act, to the main purpose of the Act, to the main purpose of the Act, which, as I have already held, is to restrict and regulate the sale of an traffic in liquor, and as 1 understand the ded by statute the Court shall award such sentence as is conformable to the common usage and practice in this State according to the nature of the of-Chester cases exrel Hoover and ex rel Court has said: "Having reached this conclusion, that the said Act, (the Dis-I am, therefore of the opinion, and pensary Act,) being in effect an Act to hold, that the offence as charged is regulate the sail of spirituous liquor. the power to do which is universally recognized, it is quite clear," etc. 178

The next ground was that Section 21 of the Dispensary Act, under which the indictment is framed, relates only to indictment is framed, relates only to constitutionality of the despentary Act made before me, and 1 may say, Act made before me, and 1 may say, E. Rep. 756.

Most of the argument against the the sale or distribution of liquors kept by clubs or associations for the use of elsewhere, seems to be directed moe to

The question is one of power andnot sociating or combining with others, or wisdom of Acts of the General Assem bly the Courts have nothing to do. club room or other place in which any intoxicating liquors are received or proverbial that ours is a Government proverbial that ours is a Government kept for the purpose of barier or sale, of the people, by the people and for the people, and it is for the people by the ion among the members of any club or | ballot-box to correct mistakes in legislaassociation, by any means whatever, tion when they are satisfied that such and every person who shall barter, sell mistakes have been made by their repor assist or abet another in bartering resentatives, and not for the Courts. It or selling any intoxicating liquors so has been argued that the General Asreceived or kept, shall be deemed guilty sembly has no constitutional right to or a misdemeanor and upon conviction appropriate money to engage in busiappropriate money to engage in business. For all public purposes the power of the General Assembly is absolute in the absence of constitutional provisions. The same authority holds "the powers of the legislature in disposing of the revenues of the State and its dis not confine its provisions to clubs and cretion relating to such disposition are complete and unlimited in the absence constitutional provisions." (3 Am

and E g Encyc of Law, 69) The State is daily engaged in the sale of phosphate rock to andividuals for revenue. If the State can own phos-phate territory and sell the rock it can purchase if necessary other phosphate territory for the purpose of traffic in phosphate. It is without question that There seems to be some confusion return the State owns both real and personal garding the distinction between the property, and can dispose of it at will. These instances I give to illustrate the

Holding the views I have herein announced, I cannot quash the indict ment. The motion to quash is therefore overruled.

Atroctous Assassination.

LAURENS, S. C., Nov. 4.-A dreadful trag-dy occurred near Goldville, in this county, last night. J. Dorroh Haircorn was assussinated while at supper with his family. Some unknown party stows general legislative power upon through an open door. He died in fifthe General Assembly with very few teen ininutes. Hairston's dwelling aue regarding the constitutionality of lanes, and two negroes, Wade Cannon and George Bowers, were convicted of the crime and executed in September. Hairston was the prosecutor. It is tional Democratic" party in this State conjectured that revenge may have outside the present Democratic organbeen the motive for his assassination. A negro tenant on Hairston's place, named Reeder, has been arrested on suspicion, but it is said that there is not yet a strong case against him. Hairston was a good citizen and was well connected. It is thought here that a lynching is not unlikely if the murderer is discovered and captured. Only meagre details, however, have been received here.—State.

A Crank Caught. KANSAS CITY, November 5 -Elmer Raub, a young farmer from Finney, Henry county, Mo., was arrested on his arrival in this city today, a dispatch having been received to the effect that he was crazy and had announced his intention of going to Washington to see President Cleveland. Raub was not violent and made no threats, but ever serious or expensive their errors he said he had as good a right to be President as Cleveland had and he wanted to talk with President Cleveland about the matter. If he could not be President of the United States, he said, he ought, at least, to be president of Henry county. A police officer remarked to Raub: "There have been a and the State Constitution is that the former confers upon Congress certain specified powers only, while the latter confers upon the Legislature all legisters. It is a specified power for the specified powers only, while the latter confers upon the Legislature all legisters. The specified power for its own interests and the interests of the two races here are sharply opposed in very many relative power for its own interests. The specified power for its own interests and the interests of the two races here are sharply opposed in very many relative power for its own interests. them shot Mayor Harrison in Chicago spects.

TO SAY ABOUT IT.

There is No Use and Great Danger in the Movement-The White People of the

GREENVILLE, S. C., Nov. 8.—It is sion. A man's sins will find him out and when he is caught he had best own up. We find the Columbia Register and the State from opposing standpoints calling on the Greenville News to speak out on the matter of the or-ganization of national Democratic clubs in this State as suggested by General Hampton in a letter to the State republished in this newspaper last week. Four out of five important Democratic daily newspapers of South Carolina have spoken in favor of the Scheme and "where is the Greenville News?" says the State. "Why this strange silence of the Greenville News?" demands the Register.

Well, the truth of it is the editor of the Greenville News?"

the Greenville News ran away last week. When his esteemed contemporaries were calling upon him for deliverances regarding the organization of national Democratic clubs he was sitting on a log in the woods on the side of a mountain in Western North Carolina. It was glorious, too. A sky of wonderfully deep blue flecked with still strips of transparent white cloud; the dreamy haze of the Indian Summer air so crisp, so deliciously and delicate-ly perfurmed with the aromatic sug-gestions of pine trees and hickory object of those who passed it was to diminish the sale and consumption of liquor and to decrease the evils which the silence. The stream down in the darkened ravine babbled and splashed idly and faintly and momentary glints of the clear water flashed now and then as the thickly clustered, deep green laurel swayed noiseless-ly. The dry leaves rustled slowly as they drifted down through the trees as if lingering to say good-bye to the companions that had swang and rustled with them while all of them were green and beautiful through the sun-shine and breezes of the dead, bright summer. Now and then the air was filled with the distant drumming of a pheasant or a squirrel could be heard scampering through the leaves. There was a riot of color everywher --crimsons, scarlets, browns, yellows, greens, in bewildering, gorgeous varieties and olendings.

With a dinner of mountain made hominy and fried chicken, preceded by a taste of something which had never yielded any of its sturdy strength to the mercenary hands of a dispensary agent, and succeed by a tramp over ridge or two and a briar wood pipe filled with tobacco like flakes of gold, the blue smoak of which drifted and curled slowly away to mingle with the haze, a man could sit in a place like that and be profoundly, magnificently indifferent to politics, commerce and finance and all cares and concerns, past, present and future, public and private, content simply to be living and im-pressed with the general sensation that kind of a world after all. He could idle there with idle ness made delicious by the fact that he had been working from fourteen to eighteen hours a day without a break a number of months, and allow a mind which is usually struggling to consider and remember a large number of things at once to be so magnificently vacant es to decline to remember whether the right or left hand burrel was loaded with buckshot, and to accept with cheerful lack of purpose the possibility of blowing an unhappy squirrel into rags or impotently peppering the impervious feathers of turkey with No. 6. Add to all this the delightful sense of wrongdoing, not so acute as to be uncomfortable, but just strong enough to give zest to the occasion—the splendid consciousness of having run away without asking leave or license of anybody, after writing advance editorials to be cut off and dumped into holes in the columns like packing and liable to be inappropriate to events, and estremed contemporaries can understand how much they have to be envious of and how glad the editor of the Greenville News is that he ran away, even if he did return to find this newspaper being clamorously called on for an opinion and un der suspicion of dodging. Two or three days of absolute serenity and indifference and peace are worth taking some chances and suffering some seri-

ous penalties for. This newspaper would do nearly anything for General Hampton and would work its heart out to serve him because he is well worthy of all the honor and love this State can give him. It has r very strong brotherly affection for its contemporaries with whom it has fought shoulder to shoulder in a weary discouraging up hill fight for what it and they believe to be right. We believe the motives of General Hampton and our contemporaries are right, but their jadgment in this matter in our view altogether wrong. In the proposition for the organization of a "naizaiton we see much evil and no good. It means, so far as we can under stand, a split among the white people which is the calamity most of all calamities to be dreaded and resisted. Suppose 35,000 men should be organ as national Democrats. There would yet be a majority of 10,000 against them. If a majority of the white peo-ple can be organized as national Democrats there is no need for the organizition because they can win in the regular primaries. We can not make minority win without calling in the elp of the black vote. The Greenville News would rather have Tillman Governor for ten or lifteen years by white votes than to have a government composed entirely of men of its own selec tion chosen by the help of colored vot ers. So long as white men rule, howmay be, there is always hope of im provement, always a time to look to when common' sense and conscience will bring a change for the better. Experience has taught us that when the colored vote rules or is influential that matters steadily become worse for the whites. Which ever race has control and the interests of the two races here

We have the kindest feelings

for the colored people but we do not ful in this section.

want to see them exchange places with

There is a race question and a race is sue here. Cover and twist it as we may, it is at the bottom of all our politics. White men ought to stick to and stand by their race through thick and thin. The Democratic organization thin. here is the white man's organization. We intend to stay and labor in it until

the bulk of the white people desert it.
Then we will be free. If the evil
time comes—which may Heaven for better to make open and full confession. A man's sins will find him out South Carolina is dead and we have to choose between Populists and Republicans we will go with the Republicans as a choice between evils and will do it straight and without disguises or mor ifications, because the negro will then have the balance of power and it will be simply a light for his vote. If we have to scuffle for negro votes we would rather do it for the Republican party than for the Populist party.

Let all of us South Carolina white

people stay and stand together. Let us do our lighting among ourselves and accept the results and swallow our medicine like men without calling in any other race or anybody from outside to interfere. We are of the same kind and stock. Our fathers and brothers have mingled their blood for the State, have loved, hoped, suffered and hed together-Tillmanites and antis, Alliance men, Ocalaites and Cleveland Democrats. We have factions enough and bitterness enough now. Let us re frain from doing anything to make a bad matter worse, to make our misfor-tunes and troubles fatal to us. Let us maintain our race power in the general elections, humbly trusting that the Al-mighty in His good time will set us all right, show us all where our mistakes have been and restore peace and unity among us. So long as we are together there is hope for that. When we divide that hope will be gone.

The thing for us to do is to cultivate

charity and toleration among ourselves and to discourage any new splits or fac-tions or causes of quarrel. For the men who have for their own selfish purposes stirred strife and for the many and various squirts and chumps who have perverted good principles and purposes to lift themselves to power and place we have no respect. The masses of the people, however, are good and sound and honest. If they are wrong they are not the first people who have butted themselves into headaches against the hard wall of their own mistakes. The Greenville News will never nelp in or submit to any attempt to use the colored vote against any white peo-ple until they try to use it against us. If there is to be a split let it come from the other side. Let the Populists begin it, and then on their heads will be the responsibility and the consequences. Meanwhile we will make our lights and say our say inside the Democratic party as now organized and will accept the action of its majority, not as controlling our opinions but as govern-ing our action and position in the regular elections. An organization outside the present organization will find no recognition anywhere and should

find none. General Hampton is an honest, pure and patriotic gentleman. So is Judge Haskell. In this matter we cannot follow General Hampton any more than -G. eenvill News.

For the Usual Crime.

terrible punishment was meted out to a negro named Bob Kennedy, about 20 were several interviews between memold, at Gaffney last night. About dusk a married white woman and her little girl were harrying home from the business portion of the town, when in a narow lane near their house a negro suddenly grabbed the woman, threw her down and began to choke her. Her creams aroused a little boy not far off. He ran out and saw the negro, who ran away as soon as he saw the white boy. He ran off without completing the assault. The white boy followed him and aw him enter a house not for away. He then called to some neighbors, who went to the house and saw Kennedy sitting by the fire with his shoes off and charged with being Populists, but it put out of the way. One negro in the iouse said Kennedy had been there for three hours, another stated that he had ust come in. He was ordered to get is shoes, which showed that they had just been in the mul. He was carried on and his tracks corresponded exactly with the ones where the wo nan was assaulted. The white boy identified him as the man he saw run away and enter the house. He was kept under arrest | na to proclaim their hostility to the uctil about midnight, when he was carried out to the slaughter pen and hanged. The people were the more incensed because a week or two ago as three lit.le girls were going to the Cooper Limestone Institute, from Gaffaey, a negro unknown to them came out from the woods, seized one and began to drag her back into the woods. The other two ran and screamed and the dummy came along just then and the negro became alarmed and released the girl, who escaped frightened nearly to death. They believe that Kennedy made the assault on the little child. He confessed to the

assault on the white woman. A Quadruple Lynching. NASHVILLE, Tenn., Nov. 4.-A speial from Fayetteville, Tenn., says: Early this morning, on the farm of Jark Daniels, near Lynchburg, Ned Waggoner, his son Will and daughter Mary, and his son-in-law Motlow were found hanging to one tree. All the parties are colored. The only cause to explain their fate is that they were supposed to have been implicated in the numerous barn burnings which have taken place in Mouroe and Lincoln counties recently. There is no clue as to the perpetrators of the deed. Ned Waggoner was a rather large negro, and it is supposed the first attempt of the lynchers was unsuccessful in his ease, as a broken rope with a hangman's knot on it was found under the tree near him and another one had been procured from the well bucket of a near neighbor, by which rope he was ound hanging. The bodies were discovered by the driver of the Lynchburg and Fayetteville stage soon after daybreak this morning. The negroes did not bear very good reputations in the community, and although there has been little talk in regard to the matter, they were supposed to be connected with the band of incendiaries who have recently been so plenti-

OUR CONGRESSMEN.

HOW THEY STAND AS REGARDS BUT LER AND TILLMAN.

Some Interesting Gossip About South Carolina Representatives in Congress Senators Butler and Irby Not in Favo With President Cteveland.

WASHINGTON, Nov. 8 .- The first chapter in the history of the political events in South Carolina, so far as they are affected by what has been done or is doing in Washington, ends with the close of the extra session, and we can form some opinion now as to the drift of events. It has been known for some time that one of the most important factors in the next political contest in that State would be the contest between Governor Tillman and Senator Butler for the United States Senate, and much of that has been going on nere has had more or less bearing upon that contest. Senator Butler at the beginning of

this Administration from his long service here and personal popularity had a very potential influence in securing offices for his friends, and these appointments were made apparently without regard to any influence upon South Carolina's politics. Senator Irby does not seem to have succeeded in making any favorable impression, and his late course in practically allaying nimself with the most bitter opponents of the Administration has, of course, destroyed any possibility of his doing anything in the direction of getting offices for his friends or partisans. Since Senator Butler has cast in his fortunes with the enemies of the Administration on the silver question he has naturally weakened the claim which otherwise he would have had upon it, and it is doubtful now whether he will secure the appointments to office of those whose principal claim lies in the fact that they are partisans of his and that their appointment would promote his re-election, and as that seemed to be the principal ground upon which it was expected he would secure the appointment of Mr. Perry as collector of internal revenue the chances of Mr. Perry's appointment

seem to have very much diminished. I think that in all appointments of whose fidelity to Democratic principles ministration leaves no room for question. In all such appointments it seems views on public questions are in thorough accord with those of the Administration, and it cannot be charged against him, as it has been against many who now stand by President Cleveland, that his views have been adopted for the purpose of securing public patronage, as he stands today precisely upon the ground that he ocprecisely upon the ground that he occupied long before the nomination or election of President Cleveland. So far as the chief public offices are confar as the chief public offices are con-cerned, therefore it appears to be certain that the Administration will put on guard none but Democrats of questionable integrity, politically and mystery surrounding the loss of the 24

otherwise. The attitude of the different mem-For the Usual Crime.

CHARLESTON, S. C., Nov. 8.—A

Spartanburg special says speedy and

Spartanburg special says speedy and bers of the delegation and the Postmaster General on the subject of the on which steamer the Point aux members of Congress from South Caroexcept Mr. Brawley and Mr. McLau into any particulars. The coroner is rin, who were not present thereat. The making httle progress in getting at said and done with respect to the postoffices in his district it would probably be impossible to tell the story. It was placed upon the stand again this even found that a number of the men whom ling when a strong effort will be made he had recommended to office were to force out the facts. Captain Huff never finally settled against him until bia Register seems to have given him the stern of the Philadelphia swung a coup de grace.

Mr. Strait seems to be practically in the same boat, as Mr. Latimer and himself seem to have taken occasion more than once while in South Caroli-

Administration. Mr. Shell seems to have no difficulty practically in securing the appointments of such postmasters in his dis trict as he has recommended. He has adopted the policy generally of recommending parties who are acceptable to the communities to be served, and in all such cases his recommendations have gone through without question, dertook to work up the case, and after are expected to be a unit in demandand the same is true to a large extent a deal of hard work found his man. Holding its prompt consideration. with respect to Mr. Talbert; and lately it appears that Mr. McLaurin is in the the city and came very near being killed same boat with the two last named bimself. With the assistance of the po- that would have indicated a confidence Congressmen. Senator Butler has endorsed all the recommendations of Messrs. Shell, Talbert and McLaurin.
The appointment of Mr. Waddill as

postmaster of Darlington has caused a great deal of comment here as it seems to indicate some sort of an alliance between Senator Butler and Mr. McLaurin but it may be that it has not the significance which has been given Butler man though originally a Tillmanite. As it appears to an outsider, nowever, it would seem that in so far as the postoffice appointments are concerned there are some grounds for the belief that there is some understanding of a friendly nature between Senator Butler and Messrs. Shell, Talbert and any one that Congressman Shell is an killed in the engagement. active friend of Senator Butler's and will in all probability, be on his side in the pending contest.

Mr. McLaurin has therefore been ticular love for the present Governor. Whether the friendly relations here of these three Congressmen with the senor Senator will result in a similar alliance in State politics remains to be seen, but there is no doubt whatever

are adherents of Governer Tillman. pears, has not joined either combina- men disobeying orders was the cause.

tion. Taking the ground, early in the Administration, that none but Democrats of unquestioned fidelity to the party should be appointed to any pubic office in South Carolinn, he has not swerved from that position, but he has not been disposed to interfere with any of the Congressmen in the patronage of their districts, except in so far as he has been compelled to protest against certain appointments on the ground that the persons named were more in sympathy with the Populist party than with the Democratic party, and in all such cases he has presented to the departments such objections as the peo-

ple affected desired to present. Inasmuch as this position of independence between the two rival candilates has given rise to reports that Congressman Brawley has some inten-tion of becoming a candidate for the United States Senate I have asked him whether or not he had any such inten-tions. He assures me that he has not; hat he did not contemplate being a candidate under any circumstances. He thinks that his attitude on the fi-nancial questions is not popular at this time in South Carolina, and is not likely to be so, and as he has no inten tion of changing it for the purpose of obtaining office, he does not intend to become involved in the contest. He says further that in case any sound Democrat will stand for election in his district he will retire at the end of his term.

To sum up the whole situation among the "Reform" Congressmen as t appears here it would seem that Messrs Latimer and Strait are for Governor Tillman, that Messrs Shell and Talbert are against him, and that Mr. McLaurin's attitude is somewhat doubtful and if Waddill's appointment has the significance—generally attribut-ed to—it it may be expected—that those persons whom he recommeds for office will be Butler men. As having some bearing on the situation it may be noted that, when Bryan was leading the filibustering against the repeal bill, most of the South Carolina "Reform" Congressmen were with the handful of Populists that were supporting him. The whole number of Bryan's followers was about twenty three, and after a few votes Messrs Shell and McLuurin dropped away from him.

There are no indications as to the result of the contest for the vacant Judgeship of the United States Circuit Court, but it may be regarded as tolerthis nature it will be the policy of the Administration to put in office men not be made before the 1st of December. It is said that the very active as interpreted by the Democratic Ad-ministration leaves no room for ques-made has excited some unfavorable comment in high quarters. The name likely that the opinion of Congressman of Judge Hudson will be strongly Brawley will be most potential, as his pressed for the District Judgeship in case of Judge Simonton's promotion, but there are a number of Charleston aspirants for the honor, some of whon have very strong backing, and it is impossible to say to whom it would falt. An influential gentleman from South Carolina who was here last week in connection with them after is reported

Berper Mystery.

Nov. 9 -- The seamen in the second lifeboat from the steamer Philadelphia was greatly deepbered that early in the spring there turned boat who was being held in hiding until after the inquest. The Dunford was in tow of the City of Concord postoffice appointments. All of the Barques life saving crew pixed the The Danford's captain rebodies lina participated in these interviews, fused to give the man's name or enter most determined fight seemed to be the facts of the disaster. Both Cap against Mr. Latimer, who, as the au- tain Huff of the Padadelphia and first the of the May resolutions, seemed to mate Drury of the Albany refused to be a good target. Of all that has been testify as to the signals exchanged by the two steamers before the collision. The jury demanded that both men be testified positively that the boat and seems that the question as to his right | men that were lost were all right when to control these appointments was they left the Philadelphia. The crushed skull of the first mate could not have within the last few weeks, when the been done by the propeller's wheel as publication of his letter in the Colum | the boat's runder was hard over and

A Convicted Murdurer. CHARLESTON, S. C., Nov. 4 .- Gab fel Grayes, the negro brute who murpublic indignation was considerably high. in December. shortly after the commission of the deed Detective W. F. A. Holland, of the South Carolina Railway Company, unland went to arrest Graves one night in

Indians on a Raid DEMINO, N. M., Nov. 10,-Fifty Palomas, Mexico, tour miles below the border. The Indiana are scattering bands who survived the massacre in the Palomas they fired on the custom house guards, numbering thirteen, killed one of the guards, ruled the custom house, carrying away twenty-five carbines, pistols, 800 rounds of ammunition and \$200 in money. They appropriated McLaurin. Time will show what this provisions and other supplies from the amounts to. It is no longer a secret to stores. One of the marauding band was bers of his party who have been predict-

Disonéyed Orders,

Toledo, O., Nov. 10.-Four persons were killed in a collision near Bradnor, considered a strong friend of Governor Ohio, twenty-lour miles from here, last Tillman, and it is generally thought evening on the Columbus. Hocking Valley and Toledo railroad. The east bound Columbus express, which left here at 5:20 p. m. crashed into a north bound freight in a dense fog. The dead are: L. H. Jones, engineer of the passenger train; Fireman Jones, of the passenthat Messrs. Irby, Latimer and Strait ger train; James R. Gresh, express messenger on passenger train: Engi-Congressman Brawley so far as ap- neer Kerlin, of the freight train. TrainRECEIVED WITH SURPRISE.

Said About Our Defeat in Washington. WASHINGTON, Nov. 8.—The result

of the election has been received with

surprise by all political parties here. The unexpected happened in so many instances, that in no case were the predictions of Democrats, Republicans or Populists verified. The chief surprise of the Democrats arises not from the fact that they were defeated, but that the deteat was so general in all doubtful states, and the Republican major-ity so overwhelming. A grain of comort is accorded them in the defeat of the Populists in Virginia, and the election of O'Ferrall to the governorship, but the blows have been so crushing in the states of New York, Massachusetts, New Jersey, Ohio and Iowa that even the success in Virginia is hardly paraded as a triumon. Expressions from nearly all the prominent Demo-cratic leaders at the Capitol, as indicated in these dispatches several days ago, showed that the Democrats were prepared for defeat in those states where the free coinage element is strong and the disappointment over the passage of the repeal bill is intense, but it was hardy expected that in the "sound money" states of New York and Massachusetts the Democratic majority of the past would be so ruthlessly mowed down and the careful efforts of perfect organization avail so little. Despite this, however, all the prominent Democratic leaders unite in ascribing the general defeat throughout the country to two causesthe dissatisfaction of the agricultural classes over the financial question, and the widespread apathy of disappointed office seekers who have failed to realize the fruits of the last Democratic victory. In the state of Ohio alone, was the tariff juestion the prominent theme of discusion, McKinley and Neai so emphaticaly repeating the declarations of their parties in this respect. But here, too, the Democrats are routed by the same exorable Republican majority. In Iowa, the defeat of Boies is important, not that it means a Republican governor in that state and a Republican United States senator next winter but that it practically removes Poies from the list of Western candidates for the Presidency in '96. The judgment of the party leaders here approved the first declaration of Governor Eins last summer, that he would not be a candidate for governor at the fall election, and when he finally reconsidered and ame out in the reace for a third term, t was felt that he had everything to

se and little to gain from the campaign that was to follow. It was realle I that even the popular Foraker, was unable, in Ohio, to stem the popuar sentiment against a third term, and when the Republicans of Iowa reproach ed the Democrats with departing from one of the cardinal principles of their party in nominating a man for a third term, they presented their opinions on beginning. The Populists still contend that later returns will show that their party has made a far better showing in various states than is conceded them in the earlier dispatches.

In Virginia they succeeded in terrorzing the Democrats for the last two weeks, but the leaders of the latter party rallied from their panic in time to make unprecedented efforts to get out their full vote, and it looks as though the Populists would have stood a much better chance for victory by making a still fight.

The Populist senators and Republians who are in the city, are anxious. y watching the latest news from Ne. braska and Kausas, and expect cheereg news from the official returns.

There is one element of defeated Denocracy that reviews the general Republican victory with a philosophic reignation that amounts almost to sat . taction. This element comprises the ree coinge Democrats who have so itterly reproached President Cleveland or forcing the repeal bill through Conress, and who for weeks have been predicting that the administration's discyalty to the Democratic National platform would be rebuked by a crushing defeat in all the great states' elections this fall. These men now point to the Democratic defeat as the result ered young Frank Thompson and set of the partty's departure from its faith irs to his mother's house near Palmetto in the recent extraordinary session, Mines some time 1000, has been con- and are already preparing to coax the victed and sentenced to be hanged. The majority back to the good old orthodox murder was a most outrageous one and faith when the regular session convenes

> Chairman Bland will introduce his ree coinage bill at the first bill day of the session, and the free coinage men

The President did not show that intense interest in the returns last night lice the suspected man was arrested and in Democratic victory. Early in the evening the President went out to his country home instead of remaining at the executive mansion, as is usual on Tomichi Indians on Wednesday sacked election nights, and the returns he received were only those of sufficient importance to be telephoned out to Woodley by Private Secretary Thurber, as engagement with Diaz's soldiers last the latter received them from the tele-It is said that Waddill is now a May. Since then they have been roam- graph wire at the White House. Sevng in the mountains. In the raid on eral members of the Cabinet drove out to the President's cottage in the evening, but none of these gentlemen have so far given any expression of the causes

that led up to the general defeat, The President was doubtless undiscouraged by the Democratic defeat as he hes constantly repeated to those meming Democratic deteat as the result of the administration financial policy, that they would vindicate their party and show that the majority was right in domanding the immediate and uncondi-

tional repal of the Sherman act. Searching Freight Cars.

CHARLESTON, S. C., Nov. 10.—In be-half of the State constables, Mr. Whaley has just procured orders from the United States court granting authority o search two cars on the tracks of the South Carolina railway, suspected of containing liquor. This makes the eighth seizure since last Friday. All iquor captured in that time is worth probably \$1,500.